

REMARKS

Section 112, First Paragraph Rejections

Claims 1-18 were rejected under 35 U.S.C. §112, first paragraph, the Final Office Action stating that the original independent claims were in a single means claim format. As indicated in Applicants' first response, Applicants respectfully disagree.

Nonetheless, Applicants have amended these claims to include the terms "prioritization unit" and/or "authorization unit."

Accordingly, Applicants respectfully request withdrawal of the pending rejections and allowance of claims 1-18.

Claim Objections

Claims 1-32 were objected, the Final Office Action stating that the words "each rate associated with one of the test signals" was not clearly understandable.

Applicants have amended these claims to more particularly point out that a transmission test signal is sent to one or more terminal units and that each of the terminal units is associated with at least one achievable data rate. Accordingly, Applicants respectfully request withdrawal of the pending objections and allowance of claims 1-32.

Section 103 Rejections

Claims 1-6, 9, 19-22 and 27 were rejected under 35 U.S.C. §103(a) as being unpatentable over Sumner, U.S. Patent No. 6,091,947 ("Sumner").

Applicants respectfully disagree and traverse this rejection for at least the following reasons.

Each of the remaining claims requires authorization of transmissions to terminal units based on the priority given to test signals sent to each of the terminal units ("test signals").

In contrast, Sumner does not disclose or suggest the authorization of transmissions to terminal units based on the priority given to test signals, as in the claims of the present invention.

Column 7 of Sumner appears to disclose the reception of a test signal by a handset and the calculation of outbound and inbound link performances. However, Sumner does not disclose or suggest the authorization of transmissions to particular handsets based on prioritizing test signals. Instead, transmission to handsets are unprioritized (i.e., occur in any order). That is, as long as the calculated link performances allow for transmission, transmission occurs regardless of priority. If the link performance is unsatisfactory, no transmission occurs and a call is routed to a user's voicemail.

Accordingly, Applicants respectfully request withdrawal of the pending rejections and allowance of claims 1-6, 9, 19-22 and 27.

Applicants respectfully request consideration and entry of the present amendments and arguments. Applicants believe their amendments places the

claims and the application in better condition for allowance and/or appeal and does not require further search on the part of the Examiner.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John E. Curtin at the telephone number of the undersigned below.

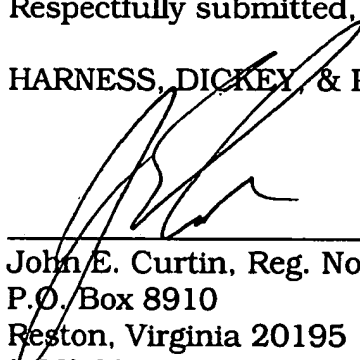
In the event this Response does not place the present application in condition for allowance, applicant requests the Examiner to contact the undersigned at (703) 668-8000 to schedule a personal interview.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By



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